

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

**ANA R. OLIVELLA RIVERA**

Plaintiff

**Vs.**

**PR POPULAR LEASING AND  
RENTAL, INC.  
and OTHERS**

Defendants

**\* CASE NUM: 98-2267(CC)**

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**\*CREDIT COLLECTION**

**\*DAMAGES**

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**MOTION AMENDING PRE-TRIAL ORDER AND REQUESTING LEAVE**

TO THE HONORABLE COURT:

COMES NOW Plaintiffs through the undersigned attorney and most respectfully alleges and prays:

1. Plaintiff hereby amends in conformity with this Honorable Court, the pretrial order regarding the witnesses that Plaintiff has announced in this case. To this effect, said section as been amended as follows:

a. **Ana Rosa Olivella Rivera**, will testify in relation to her allegations in complaint.

b. **Margarita M. Olivella Rivera**, will testify in relation to mental and moral anguish suffered by Ana Rosa Olivella Rivera. This witness will substitute her father, who presently has Parkinson's disease.

c. **Silvia Carmona, Hostile witness**, will testify in relation to all the facts she knows in relation to a stipulation and/or agreement as well as all the facts relating to Mrs. Ana Rosa Olivella Rivera's account.

d. **Mr. Alberto Gomez**, representative of Preferred Risk at Puerto Rico America Insurance, which will testify in relation to Insurance Policy.

e. **Mr. Manuel Cortes** representative of Triple S, whereby it acknowledge the insurance policy certificate of Triple S, Co. and corresponding letters to this offer.

f. **Mr. James Arroyo**, Trans Union officer acknowledging the existence of the credit reports dated from 1998 to 2003, and her credit history.

g. **Attorney Mr. Dominguez Wolf** will acknowledge a letter remitted to plaintiff requesting payment of fictitious debt.

h. The following credit officers will be called to acknowledge unfavorable credit requests of Mrs. Ana Rosa Olivella Rivera to their respective business institutions, they will testify in relation to said determination by their respective forums:

i. **Mrs. Zorimar Ayala**, credit manager of R & G Mortgage.

ii. Mr. \_\_\_\_\_, credit manager of General Motors Acceptance, Corp.,  
could not be obtained.

iii. Mr. \_\_\_\_\_, credit manager of Sprint, PCS, could not be obtained.

- iv. **Mrs. Ilsa Morales**, credit manager of Citibank, N.A.
  - i. **Attorney of Triple S, Mr. Nelson Beaggi**, who will testify in relation to the complaint filed against Plaintiff by a third party to this case.
  - j. **Hostile witness, Mr. Tomas Aponte**, will testify in relation to the repossession of Mrs. Ana Rosa Olivella Rivera vihule.
2. Plaintiff must respectfully requests leave to file this amendment, at this moment, for the following reasons:
- a. Our electronic filing system suffered a severe breakdown during the second part of the month of December, 2006. This was informed in the case of Nancy Isaac Burgos v. Citibank, Case.
  - b. In said case, undersigned attorney had filed a *Reply and Opposition for Summary Judgment*, which consisted of four different types of documents:
    - i. *The Reply and Opposition to Statement of Uncontested Facts*
    - ii. *The Reply and Opposition to Defendant's Memorandum Requesting Summary Judgment.*
    - iii. *The Statement of Contested and Uncontested Facts required by Local Rule 7.*
    - iv. And finally, over 400 pages of exhibits.

c. These documents were filed starting on a Wednesday morning and it was terminated about 5:00am, **dawn of the next day** (see docket file to this effect which is hereby included).

d. Undersigned was with his secretary all afternoon, evening and dawn working for almost twenty (20) hours straight.

e. This obviously caused him severe breakdown, both, mentally and physically.

f. Furthermore, our client suffered an accident whereby her right arm was severely dislocated. She was under severe pain and could not help us in the process to comply with all the filings.

g. Lastly, the holidays per se affected the normal working week.

3. Also, the undersigned had to produce another response to a Rule 56 in the case of Roberto Melendez as of January 10, 2007. Said brief was extremely complex and involves also a Rule 56 opposition. Undersigned was unable to present said information on time due to the taxing nature of both responses as well as the documents before the Honorable Court and state courts. This situation occurred for undersigned was hospitalized for eight days at HIMA Hospital San Pablo in Caguas from October 30, 2006 to November 4, 2006, followed by rest and recuperation for almost a month, until early December, 2006. A severe backlog occurred in his office.

Plaintiff most respectfully prays that it be allowed to file said amendment.

**RESPECTFULLY REQUESTED.**

I HEREBY CERTIFY that on this date, the foregoing motion was electronically filed with the clerk of the Court using the CM/ECF system which will send notification of such filing to corresponding parties.

In Caguas, Puerto Rico, at this January 15<sup>th</sup>, 2007.

**s/Rafael A. Oliveras López de Victoria**  
**Rafael A. Oliveras López De Victoria**  
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